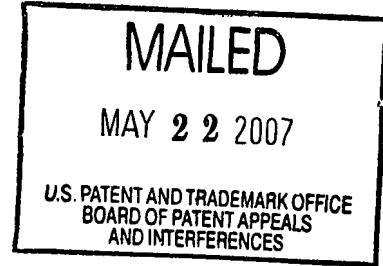


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte BEN WEI CHEN

Application 10/002,952



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on March 8, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

INFORMATION DISCLOSURE STATEMENT

Appellants filed an Information Disclosure Statement (IDS) on November 15, 2001. It is not clear from the record whether the Examiner considered the statement submitted or whether the Examiner notified Appellants of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

ACKNOWLEDGMENT OF REPLY BRIEF

In addition, Appellant filed a Reply Brief on January 16, 2007. The Examiner responded to Appellant's Reply Brief in a communication mailed on February 27, 2007. A review of this communication reveals that the Examiner has not appropriately acknowledged Appellant's Reply Brief. According to the Manual of Patent Examining Procedure (MPEP) § 1208:

If a reply brief is filed in compliance with 37 CFR 41.41, the primary examiner must acknowledge receipt and entry of the reply brief. The examiner may use form paragraph 12.181 on Form PTOL-90 to provide the acknowledgment.

It appears from a review of the Examiner's Communication mailed on February 27, 2007, the Examiner provided additional arguments which is not in accordance with the rules set forth in MPEP § 1208. Correction and proper acknowledgment is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner for resolution of the following issues:

- (1) to consider the IDS filed on November 15, 2001,
- (2) to notify Appellant in writing of consideration,

(3) to appropriately respond to Appellants' Reply Brief filed on January 16, 2007, and
(4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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